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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,267	12/29/2000	Vivek Kashyap	BEA9-2000-0010-US1	1494

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IBM CORPORATION  
IP LAW DEPT, ED02-905  
15450 SW KOLL PARKWAY  
BEAVERTON, OR 97006-6063

EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

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DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/753,267

Applicant(s)

KASHYAP, VIVEK

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-20 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson et al. (US 6,546,425).
4. As per claims 1 and 4, Hanson teaches the invention as claimed including a method for maintaining connection between a first node [102, Fig. 2] and a second node [102, Fig. 2] in a computer network [108, Fig. 2; col. 2, lines 54-67], comprising of placing the connection between the first node and the second node in a persist state [col. 3, lines 24-33]; placing the second node in an inactive state [i.e., dormant state, col. 3, lines 24-26; col. 27, lines 30-36] and reconnecting the first node and the second

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node [col.3, lines 31-33; col. 12, lines 39-41; col. 15, line 50 – col. 16, line 4; col. 27, lines 37-39].

5. As per claim 3, Hanson teaches the step of requesting by the second node that the first node keep the connection open for a predetermined amount of time and maintaining the connection for predetermined amount of time [col. 6, lines 2-4; col. 27, lines 40-41].

6. As per claim 5, Hanson teaches the network utilizes UDP protocol [col. 4, lines 39-43].

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (US 6,546,425) as applied to claims 1 and 3-5 above, in view of Antoun (US 6,216,151).

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9. As per claim 2, Hanson teaches the invention substantially as claimed in claim 1. Additionally, Hanson teaches the step of polling the second node by the first node [col. 27, lines 27-30]. Hanson does not specifically teach the step of responding by a third node acting as an agent on behalf of the second node to the polls.

10. However, Antoun on the other hand teaches responding by a third node acting as an agent on behalf of the second node to the polls [i.e., client agent; col. 4, line 63 – col. 5, line 3; col. 6, lines 53-61]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Hanson and Antoun because doing so would improve the efficiency of the system by processing request from second node on first node even when two node are not physically connected. One of ordinary skill in the art would have been motivated to modify Hanson's system with Antoun's third node to improve the performance of entire system.

11. As per claims 6-8, Hanson teaches the invention substantially as claimed including a method for maintaining a connection between a node and a network [108, Fig. 2; col. 2, lines 54-67; col. 3, lines 24-33], comprising of placing the node in an inactive state [i.e., dormant state, col. 3, lines 24-26; col. 27, lines 30-36] and reactivating the node [col.3, lines 31-33; col. 12, lines 39-41; col. 15, line 50 – col. 16, line 4; col. 27, lines 37-39]..

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12. Hanson does not specifically teach an agent to respond on behalf of the node and stop responding on behalf of the node when the node reactive.

13. However, Antoun on the other hand teaches an agent to respond on behalf of the node [i.e., client agent; col. 4, line 63 – col. 5, line 3; col. 6, lines 53-61]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Hanson and Antoun because doing so would improve the efficiency of the system by processing request from second node on first node even when two node are not physically connected. One of ordinary skill in the art would have been motivated to modify Hanson's system with Antoun's third node to improve the performance of entire system.

14. Both Hanson and Antoun do not teach the step of stopping responding on behalf of the node when the node reactive. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include stopping responding step in the combination system of Hanson/Antoun because doing so would simplify the process of the system by terminating unnecessary function running on the system. One of ordinary skill in the art would have been motivated to modify the combination system of Hanson/Antoun with the stopping responding to improve the integrity of the system.

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15. As per claims 9-11, Hanson teaches the invention substantially as claimed including a system for maintaining connection between a first node and a second node in a computer network, comprising of means for placing the connection between the first node and the second node in a persist state, in which the first node repetitively polls the second node [col. 3, lines 24-33; col. 27, lines 27-30] and means for placing the second node in an inactive state [i.e., dormant state, col. 3, lines 24-26; col. 27, lines 30-36].

16. Hanson does not specifically teach responding by third node on behalf of the second node to the polls. However, Antoun on the other hand teaches responding by a third node acting as an agent on behalf of the second node to the polls [i.e., client agent; col. 4, line 63 – col. 5, line 3; col. 6, lines 53-61]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Hanson and Antoun because doing so would improve the efficiency of the system by processing request from second node on first node even when two node are not physically connected. One of ordinary skill in the art would have been motivated to modify Hanson's system with Antoun's third node to improve the performance of entire system.

17. As per claims 12-14, since they are system claims of claims 6-8, they are rejected for the same basis as claims 6-8 above.

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18. As per claims 15-20, since they are program claims of claims 6-11, they are rejected for same basis as claims 6-11 above.

***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Abe (US 6,115,382) discloses a permanent virtual connection system;

Gerdisch (US 6,480,727) discloses a method for extending battery life;

Shimbori (US 6,591,101) discloses a data control system; and

Bhagwat et al. (US 6,651,105) discloses a mobile communication system.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

April 15, 2004



**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**